

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

(B) BUSINESS OPERATIONS.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the term “business operations” means engaging in commerce in any form, including acquiring, developing, selling, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(ii) EXCEPTIONS.—The term “business operations” does not include any of the following:

(I) Action taken for the benefit of the country of Ukraine.

(II) Activities to support humanitarian projects to meet basic human needs in Ukraine or the Russian Federation, including—

(aa) drought and flood relief;

(bb) food, nutrition, and medicine distribution;

(cc) the provision of health services;

(dd) assistance for vulnerable or displaced populations, including individuals with disabilities and the elderly; and

(ee) environmental programs.

(III) Activities to support education in Ukraine or the Russian Federation, including combating illiteracy, increasing access to education, international exchanges, and assisting education reform projects.

(IV) Activities to support non-commercial development projects directly benefitting the people of Ukraine or the Russian Federation, including those related to health, food security, and water and sanitation.

(V) The provision of products or services for compliance with legal, reporting, or other requirements of the laws or standards of countries other than the Russian Federation.

(VI) Journalistic and publishing activities, news reporting, or the gathering and dissemination of information, informational materials, related services, or transactions ordinarily incident to journalistic and publishing activities.

(VII) Research activities, including medical research, for purposes of benefit to the general public.

(iii) EXCEPTION FOR SUSPENSION OR TERMINATION ACTIONS.—The term “business operations” does not include action taken to support the suspension or termination of business operations (as described in clause (i)) for the duration of the covered period, including—

(I) an action to secure or divest from facilities, property, or equipment;

(II) the provision of products or services provided to reduce or eliminate operations in territory internationally recognized as the Russian Federation or to comply with sanctions relating to the Russian Federation; and

(III) activities that are incident to liquidating, dissolving, or winding down a subsidiary or legal entity in Russia through which operations had been conducted, including actions required to meet any judicial or regulatory requirements or orders of the Russian Federation.

(C) COVERED CONTRACT.—The term “covered contract” means a prime contract entered into by an executive agency with a company conducting business operations in territory internationally recognized as the Russian Federation during the covered period.

(D) COVERED PERIOD.—The term “covered period” means the period of time beginning 180 days after the date of the enactment of

this Act and ending on a date that is determined by the Secretary of State based on steps taken by the Russian Federation to restore the safety, sovereignty, and condition of the country of Ukraine, or 10 years after the date of the enactment of this Act, whichever is sooner.

(E) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

SA 6391. Mr. PETERS (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—ADVANCING AMERICAN AI ACT

SEC. 5001. SHORT TITLE.

This division may be cited as the “Advancing American AI Act”.

SEC. 5002. PURPOSES.

The purposes of this division are to—

(1) encourage agency artificial intelligence-related programs and initiatives that enhance the competitiveness of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurialism;

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;

(3) promote adoption of modernized business practices and advanced technologies across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) test and harness applied artificial intelligence to enhance mission effectiveness and business practice efficiency.

SEC. 5003. DEFINITIONS.

In this division:

(1) AGENCY.—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) ARTIFICIAL INTELLIGENCE.—The term “artificial intelligence” has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The term “artificial intelligence system”—

(A) means any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, whether—

(i) the data system, software, application, tool, or utility is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology; or

(ii) artificial intelligence capability is integrated into another system or agency busi-

ness process, operational activity, or technology system; and

(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(C)

(5) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

(6) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

SEC. 5004. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260), consider—

(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled “Key Considerations for the Responsible Development and Fielding of AI”, as updated in April 2021;

(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to promoting the use of trustworthy artificial intelligence in Government); and

(3) the input of—

(A) the Privacy and Civil Liberties Oversight Board;

(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Officers Council, and the Chief Data Officers Council;

(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts; and

(D) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer, the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties of the Department and any other person determined to be relevant by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems, including associated data of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems; and

(ii) security against misuse, degradation, or rendering inoperable of artificial intelligence-enabled systems; and

(2) the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department shall report to Congress on any additional staffing or funding resources that may be required to carry out the requirements of this subsection.

(c) INSPECTOR GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigative results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial means by which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or service—

(i) align with the guidance issued to the head of each agency under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116-260);

(ii) address protection of privacy, civil rights, and civil liberties;

(iii) address the ownership and security of data and other information created, used, processed, stored, maintained, disseminated, disclosed, or disposed of by a contractor or subcontractor on behalf of the Federal Government; and

(iv) include considerations for securing the training data, algorithms, and other components of any artificial intelligence system against misuse, unauthorized alteration, degradation, or rendering inoperable; and

(B) address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and other information.

(2) CONSULTATION.—In developing the considerations under paragraph (1)(A)(iv), the Director shall consult with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence.

(3) REVIEW.—The Director—

(A) should continuously update the means developed under paragraph (1); and

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1).

(4) BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) not later than 90 days after the date of enactment of this Act and thereafter on a quarterly basis until the Director first implements the means developed under paragraph (1); and

(B) annually thereafter on the implementation of this subsection.

(5) SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 5005. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 60 days after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall require the head of each agency to—

(1) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses;

(2) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, in-

cluding those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information; and

(3) make agency inventories available to the public, in a manner determined by the Director, and to the extent practicable and in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(1) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(2) identify common use cases across agencies.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use cases.

SEC. 5006. RAPID PILOT, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE CAPABILITIES TO DEMONSTRATE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

(a) IDENTIFICATION OF USE CASES.—Not later than 270 days after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall identify 4 new use cases for the application of artificial intelligence-enabled systems to support interagency or intra-agency modernization initiatives that require linking multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—

(1) PURPOSES.—The purposes of the pilot program under this subsection include—

(A) to enable agencies to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall ensure the initiation of the piloting of the 4 new artificial intelligence use case applications identified under subsection (a), leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems; and

(B) develop a risk mitigation plan to address those risks, including consideration of—

(i) the artificial intelligence system not performing as expected;

(ii) the lack of sufficient or quality training data; and

(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) PRIORITIZATION.—In carrying out paragraph (2), the Director shall prioritize modernization projects that—

(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, federated learning, and secure multiparty computing; and

(B) otherwise take into account considerations of civil rights and civil liberties.

(5) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:

(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—

(i) predictive food demand and optimized supply;

(ii) predictive medical supplies and equipment demand and optimized supply; or

(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.

(B) Applied artificial intelligence to accelerate agency investment return and address mission-oriented challenges, such as—

(i) applied artificial intelligence portfolio management for agencies;

(ii) workforce development and upskilling;

(iii) redundant and laborious analyses;

(iv) determining compliance with Government requirements, such as with grants management; or

(v) outcomes measurement to measure economic and social benefits.

(6) REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish an artificial intelligence capability within each of the 4 use case pilots under this subsection that—

(A) solves data access and usability issues with automated technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;

(B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agency personnel to make better decisions and take faster actions;

(C) organizes data for meaningful data visualization and analysis so the Government has predictive transparency for situational awareness to improve use case outcomes;

(D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible

(E) enables knowledge transfer and collaboration across agencies; and

(F) preserves intellectual property rights to the data and output for benefit of the Federal Government and agencies.

(c) BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

(d) SUNSET.—The section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 5007. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended—

(1) in subsection (c), by striking "\$10,000,000" and inserting "\$25,000,000";

(2) by amending subsection (f) to read as follows:

“(f) DEFINITIONS.—In this section—

“(1) the term ‘commercial product’—

“(A) has the meaning given the term ‘commercial item’ in section 2.101 of the Federal Acquisition Regulation; and

“(B) includes a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41, United States Code; and

“(2) the term ‘innovative’ means—

“(A) any new technology, process, or method, including research and development; or

“(B) any new application of an existing technology, process, or method.”; and

(3) in subsection (g), by striking “2022” and insert “2027”.

(b) DHS OTHER TRANSACTION AUTHORITY.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “September 30, 2017” and inserting “September 30, 2024”; and

(B) by amending paragraph (2) to read as follows:

“(2) PROTOTYPE PROJECTS.—The Secretary—

“(A) may, under the authority of paragraph (1), carry out prototype projects under section 4022 of title 10, United States Code; and

“(B) in applying the authorities of such section 4022, the Secretary shall perform the functions of the Secretary of Defense as prescribed in such section.”;

(2) in subsection (c)(1), by striking “September 30, 2017” and inserting “September 30, 2024”; and

(3) in subsection (d), by striking “section 845(e)” and all that follows and inserting “section 4022(e) of title 10, United States Code.”.

(c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN RISK MANAGEMENT TOOLS.—The General Services Administration is encouraged to pilot commercial off the shelf supply chain risk management tools to improve the ability of the Federal Government to characterize, monitor, predict, and respond to specific supply chain threats and vulnerabilities that could inhibit future Federal acquisition operations.

SA 6392. Mr. WHITEHOUSE (for himself, Mr. GRAHAM, Mr. RISCH, Mr. BENNET, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Asset Seizure for Ukraine Reconstruction

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Asset Seizure for Ukraine Reconstruction Act”.

SEC. 1282. NATIONAL EMERGENCY DECLARATION RELATING TO HARMFUL ACTIVITIES OF RUSSIAN FEDERATION RELATING TO UKRAINE.

The President may exercise the authority provided by this subtitle if the President—

(1) declares a national emergency under section 201 of the National Emergencies Act (50 U.S.C. 1621) with respect to actions of the Government of the Russian Federation or nationals of the Russian Federation that threaten the peace, security, stability, sovereignty, or territorial integrity of Ukraine; and

(2) declares that the use of the authority provided by this subtitle is necessary as a response to the national emergency.

SEC. 1283. AUTHORITY FOR FORFEITURE OF PROPERTY.

(a) IN GENERAL.—Subject to a national emergency declared under section 1282, property is subject to forfeiture to the United States if—

(1) the property is subject to the jurisdiction of the United States; and

(2) the property is—

(A) property that constitutes or is derived from proceeds traceable to a violation of—

(i) chapter 113B of title 18, United States Code (relating to terrorism);

(ii) section 215 of that title (relating to receipt of commissions or gifts for procuring loans); or

(iii) section 1032 of that title (relating to concealment of assets from conservator, receiver, or liquidating agent); or

(B) property subject to forfeiture pursuant to section 981(a) of that title.

(b) VESTING OF TITLE.—All right, title, and interest in property forfeited under subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under subsection (a)(2).

(c) INNOCENT OWNER DEFENSE.—

(1) IN GENERAL.—An innocent owner's interest in property shall not be forfeited under this section. The claimant shall have the burden of proving that the claimant is an innocent owner by a preponderance of the evidence.

(2) PROHIBITION ON ASSERTION OF OWNERSHIP INTEREST.—Notwithstanding any provision of this subsection, no person may assert an ownership interest under this subsection in contraband or other property that is illegal to possess.

(3) DEFINITIONS.—In this subsection:

(A) INNOCENT OWNER.—The term “innocent owner” means—

(i) with respect to a property interest in existence at the time the conduct giving rise to forfeiture took place, an owner that—

(I) did not know of the conduct giving rise to forfeiture; or

(II) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property; and

(ii) with respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, a person who, at the time that person acquired the interest in the property—

(I) was a bona fide purchaser or seller for value (including a purchaser or seller of goods or services for value); and

(II) did not know and was reasonably without cause to believe that the property was subject to forfeiture.

(B) OWNER.—The term “owner”—

(i) means a person with an ownership interest in the specific property sought to be forfeited, including a leasehold, lien, mortgage, recorded security interest, or valid assignment of an ownership interest; and

(ii) does not include—

(I) a person with only a general unsecured interest in, or claim against, the property or estate of another;

(II) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

(III) a nominee who exercises no dominion or control over the property.

SEC. 1284. PROCEDURES.

(a) INVESTIGATIONS.—The Attorney General and the Secretary of the Treasury (or a designee), in coordination with the heads of such other relevant agencies as the Attorney General or the Secretary considers appropriate, may investigate and identify property subject to forfeiture under section 1283.

(b) SEIZURES.—

(1) IN GENERAL.—Except as provided in section 985 of title 18, United States Code, any property identified under subsection (a) as being subject to forfeiture under section 1283 may be seized by the Attorney General in accordance with paragraph (2).

(2) WARRANTS.—

(A) IN GENERAL.—Except as provided by subparagraph (B), a seizure pursuant to this subsection shall be made pursuant to a warrant obtained in the same manner as is provided for obtaining a search warrant under the Federal Rules of Criminal Procedure.

(B) ISSUANCE; EXECUTION.—Notwithstanding rule 41 of the Federal Rules of Criminal Procedure, a warrant for the seizure of any property identified under subsection (a) may be—

(i) issued by a judicial officer of the United States District Court for the District of Columbia; and

(ii) executed in any district in which the property is found or transmitted to the government of a foreign country for service in accordance with an applicable treaty or other international agreement.

(c) FORFEITURE.—

(1) INITIAL DETERMINATION.—The Secretary of the Treasury shall determine whether property seized under subsection (b) is subject to forfeiture under section 1283.

(2) RECORD.—To support a determination under paragraph (1), the Attorney General, in consultation with the Secretary and with the assistance of the heads of such other relevant agencies as the Attorney General or the Secretary considers appropriate, shall create a record of each property seized under subsection (b), which shall demonstrate whether that property is subject to forfeiture under section 1283.

(3) NOTICE.—Not less than 60 days before any order of forfeiture on any property seized under subsection (b), the Attorney General shall provide notice of the initial determination under paragraph (1) to—

(A) any person identified as having a protected legal interest in the property, in a manner reasonably calculated to reach such person; and

(B) the public, through publication on an internet website of the United States Government or other means the Attorney General considers appropriate.

(4) ADMINISTRATIVE RECONSIDERATION.—

(A) IN GENERAL.—If, 60 days after a notice of initial determination has been issued under paragraph (3) with respect to property, a request for administrative reconsideration of such determination has not been filed, the Secretary shall order forfeiture of the property.

(B) REVIEW OF INITIAL DETERMINATION.—If, not later than 60 days after a notice of initial determination has been issued under paragraph (3) with respect to property, any person with a protected legal interest in the property files a request for administrative reconsideration of such determination, which shall include an identification of each beneficial owner of such property, the Secretary shall review such request and, in consultation with the Attorney General, determine, based on a preponderance of the evidence, whether the property is subject to forfeiture under section 1283.

(C) FINAL DETERMINATION.—